

ASSEMBLY BILL

No. 1427

**Introduced by Assembly Members Pringle, Ackerman,
Baugh, Brewer, Campbell, Morrissey, and Morrow**

February 28, 1997

An act to amend Section 22435.7 of, and to add Section 22435.8 to, the Business and Professions Code, relating to shopping carts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1427, as introduced, Pringle. Local agencies: shopping cart retrieval.

Existing law authorizes a city, county, or city and county to impound certain shopping carts, and requires as a condition of impound, among other things, that the cart not have been retrieved within 3 business days from the date the owner receives actual notice from the city, county, or city and county, of the shopping cart's discovery and location.

This bill would authorize a city, county, or city and county, to impound a shopping cart without complying with the 3-day notice subject to specified conditions. The bill would make related changes and specifically authorize local regulation except to the extent that it conflicts with state law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22435.7 of the Business and
2 Professions Code is amended to read:

3 22435.7. (a) The Legislature hereby finds that the
4 retrieval by local government agencies of shopping carts
5 specified in this section is in need of uniform statewide
6 regulation and constitutes a matter of statewide concern
7 that shall be governed solely by this section.

8 (b) A shopping cart that has a sign affixed to it in
9 accordance with Section 22435.1 may be impounded by
10 a city, county, or city and county, provided both of the
11 following conditions have been satisfied:

12 (1) The shopping cart is located outside the premises
13 or parking area of a retail establishment. The parking area
14 of a retail establishment located in a multistore complex
15 or shopping center shall include the entire parking area
16 used by the complex or center.

17 (2) ~~The~~ *Except as provided in subdivision (i), the*
18 shopping cart is not retrieved within three business days
19 from the date the owner of the shopping cart, or his or her
20 agent, receives actual notice from the city, county, or city
21 and county of the shopping cart's discovery and location.

22 (c) In instances where the location of a shopping cart
23 will impede emergency services, a city, county, or city
24 and county is authorized to immediately retrieve the
25 shopping cart from public or private property.

26 (d) Any city, county, or city and county that impounds
27 a shopping cart under the authority provided in
28 subdivisions (b) and (c) is authorized to recover its actual
29 costs for providing this service.

30 (e) Any shopping cart that is impounded by a city,
31 county, or city and county pursuant to subdivisions (b)
32 and (c) shall be held at a location that is both:

33 (1) Reasonably convenient to the owner of the
34 shopping cart.

35 (2) Open for business at least six hours of each business
36 day.

37 (f) A city, county, or city and county may fine the
38 owner of a shopping cart in an amount not to exceed fifty

1 dollars (\$50) for each occurrence in excess of three
2 during a specified six-month period for failure to retrieve
3 shopping carts in accordance with this section. An
4 occurrence includes all shopping carts impounded in
5 accordance with this section in a one-day period.

6 (g) Any shopping cart not reclaimed from the city,
7 county, or city and county within 30 days of receipt of a
8 notice of violation by the owner of the shopping cart may
9 be sold or otherwise disposed of by the entity in possession
10 of the shopping cart.

11 (h) This section shall not invalidate any contract
12 entered into prior to June 30, 1996, between a city, county,
13 or city and county and a person or business entity for the
14 purpose of retrieving or impounding shopping carts.

15 (i) *Notwithstanding paragraph (2) of subdivision (b),*
16 *a city, county, or city and county may impound a*
17 *shopping cart that otherwise meets the criteria set forth*
18 *in paragraph (1) of subdivision (b) without complying*
19 *with the three-day advance notice requirement provided*
20 *that:*

21 (1) *The owner of the shopping cart, or his or her agent,*
22 *is provided actual notice within 24 hours following the*
23 *impound and that notice informs the owner, or his or her*
24 *agent, as to the location where the shopping cart may be*
25 *claimed.*

26 (2) *Any shopping cart so impounded shall be held at*
27 *a location in compliance with subdivision (e).*

28 (3) *Any shopping cart reclaimed by the owner or his*
29 *or her agent, within three business days following the*
30 *date of actual notice as provided pursuant to paragraph*
31 *(1), shall be released and surrendered to the owner or*
32 *agent at no charge whatsoever, including the waiver of*
33 *any impound and storage fees or fines that would*
34 *otherwise be applicable pursuant to subdivision (d) or*
35 *(f). Any cart reclaimed within the three-business-day*
36 *period shall not be deemed an occurrence for purposes of*
37 *subdivision (f).*

38 (4) *Any shopping cart not reclaimed by the owner or*
39 *his or her agent, within three business days following the*
40 *date of actual notice as provided pursuant to paragraph*

1 *(1), shall be subject to any applicable fee or fine imposed*
2 *pursuant to subdivision (d) or (f) commencing on the*
3 *fourth business day following the date of the notice.*

4 *(5) Any shopping cart not reclaimed by the owner or*
5 *his or her agent, within 30 days of receipt following the*
6 *date of actual notice as provided pursuant to paragraph*
7 *(1), may be sold or disposed of in accordance with*
8 *subdivision (g).*

9 SEC. 2. Section 22435.8 is added to the Business and
10 Professions Code, to read:

11 22435.8. This article shall not invalidate an ordinance
12 of, or be construed to prohibit the adoption of an
13 ordinance by, a city, county, or city and county, which
14 ordinance regulates or prohibits the removal of shopping
15 carts or laundry carts from the premises or parking area
16 of a retail establishment except to the extent any
17 provision of such an ordinance expressly conflicts with
18 any provision of this article.

